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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,641	11/21/2000	Lisa J. Gerrard	P0645P4D2C3	9837

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EXAMINER

LAMBERTSON, DAVID A

ART UNIT	PAPER NUMBER
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1636

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

34.



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WASHINGTON, DC 20231  
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APPLICATION NO. 09/717641	FILING DATE 11/21/2000	FIRST NAMED INVENTOR: Lisa Garrard	ATTORNEY DOCKET NO. P0645P4D2C3
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EXAMINER
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David A. Lambertson

ART UNIT	PAPER
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1636

022504

DATE MAILED:

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Commissioner of Patents

The following communication is a response to the amendment filed December 22, 2003. The amendment is non-responsive because it does not comply with the revised amendment practice under 37 CFR § 1.121. Specifically, the claims are not properly indicated in numerical order because claim 90 appears before claim 89. It would be remedial to insert claim 90 after claim 89 and indicate it as being canceled. Additionally, the status of claims 95 and 98 are not properly indicated with an accepted status identifier in the claims as amended. It would be remedial to parenthetically indicate these claims as "cancelled" since it appears that this is the status of the claims at the time of the amendment.

Applicant is given a **TIME PERIOD** of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121, effective, March 21, 2001, in order to avoid abandonment.

**EXTENSIONS OF THIS TIME MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication should be directed to Examiner **David A. Lambertson**, Art Unit 1636, whose telephone number is (571) 272-0771.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

David A. Lambertson, Ph.D.  
Examiner, Art Unit 1636

  
**JAMES KETTER**  
**PRIMARY EXAMINER**

**REVISED AMENDMENT PRACTICE: 37 CFR 1.121 CHANGED  
COMPLIANCE IS MANDATORY - Effective Date: July 30, 2003**

All amendments filed on or after the effective date noted above must comply with revised 37 CFR 1.121. See Final Rule: **Changes To Implement Electronic Maintenance of Official Patent Application Records** (68 Fed. Reg. 38611 (June 30, 2003)), posted on the Office's website at: <http://www.uspto.gov/web/patents/ifw/> with related information. The amendment practice set forth in revised 37 CFR 1.121, and described below, replaces the voluntary revised amendment format available to applicants since February 2003. **NOTE: STRICT COMPLIANCE WITH THE REVISED 37 CFR 1.121 IS REQUIRED AS OF THE EFFECTIVE DATE (July 30, 2003).** The Office will notify applicants of amendments that are not accepted because they do not comply with revised 37 CFR 1.121 via a Notice of Non-Compliant Amendment. See MPEP 714.03 (Rev. 1, Feb. 2003). The non-compliant section(s) will have to be corrected and the entire corrected section(s) resubmitted within a set period.

***Bold underlined italic font has been used below to highlight the major differences between the revised 37 CFR 1.121 and the voluntary revised amendment format that applicants could use since February, 2003.***

Note: The amendment practice for reissues and reexamination proceedings, except for drawings, has not changed.

**REVISED AMENDMENT PRACTICE****I. Begin each section of an amendment document on a separate sheet:**

Each section of an amendment document (e.g., Specification Amendments, Claim Amendments, Drawing Amendments, and Remarks) must begin on a separate sheet. Starting each separate section on a new page will facilitate the process of separately indexing and scanning each section of an amendment document for placement in an image file wrapper.

**II. Two versions of amended part(s) no longer required:**

37 CFR 1.121 has been revised to **no longer require two versions** (a clean version and a marked up version) of each replacement paragraph or section, or amended claim. Note, however, the requirements for a clean version and a marked up version for **substitute specifications** under 37 CFR 1.125 have been retained.

**A) Amendments to the claims:**

Each amendment document that includes a change to an existing claim, cancellation of a claim or submission of a new claim, **must include a complete listing** of all claims in the application. After each claim number in the listing, the status must be indicated in a parenthetical expression, and **the text of each pending claim** (with markings to show **current** changes) must be presented. The claims in the listing will replace all prior claims in the application.

- (1) The current status of all of the claims in the application, including any previously canceled, not entered or withdrawn claims, must be given in a parenthetical expression following the claim number using only one of the following seven status identifiers: (original), (currently amended), (canceled), (withdrawn), (new), **(previously presented) and (not entered)**. The text of all pending claims, **including withdrawn claims**, must be submitted each time any claim is amended. Canceled **and not entered** claims must be indicated by only the claim number and status, without presenting the text of the claims.
- (2) The text of all claims **being currently amended** must be presented in the claim listing with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim must be shown by underlining (for added matter) or strikethrough (for deleted matter) with 2 exceptions: (1) for **deletion of five characters or fewer, double brackets may be used (e.g., [[feroor]]); and (2) if strikethrough cannot be easily perceived (e.g., deletion of the number "4" or certain punctuation marks), double brackets must be used (e.g., [[4]]).** As an alternative to using double brackets, however, **extra portions of text may be included before and after text being deleted, all in strikethrough, followed by including and underlining the extra text with the desired change (e.g., number 4 as number 14 as).** An accompanying clean version is not required and should not be presented. Only claims of the status "currently amended," and "withdrawn" that are being amended, may include markings.
- (3) The text of pending claims **not being currently amended, including withdrawn claims**, must be presented in the claim listing in clean version, i.e., without any markings. Any claim text presented in clean version will constitute an assertion that it has not been changed relative to the immediate prior version except to omit markings that may have been present in the immediate prior version of the claims.

Appl. No. 09/717,641  
 Amdt. dated December 17, 2003  
 Response to Office Action mailed on June 17, 2003

Patent Docket No: P0645P4D2C3

Amendments to the Claims:

Claims 1-88 and 90 (Cancelled)

89. (Currently Amended) A gene fusion, comprising a first gene encoding a first polypeptide, a second gene encoding ~~at least a portion of a phage coat protein~~, and a suppressible termination codon between or adjacent to the first and second genes.

91. (Previously presented) The gene fusion of claim 89, wherein the suppressible termination codon is UAG, UAA or UGA.

92. (Currently amended) The gene fusion of claim 89, wherein the phage coat protein is a filamentous bacteriophage coat protein III ~~or a portion thereof~~.

93. (Previously presented) A replicable expression vector comprising the gene fusion of claim 89.

94. (Previously presented) A host cell comprising the vector of claim 93.

95. (Currently amended) A gene fusion comprising a first gene encoding a first polypeptide, a second gene encoding ~~at least a portion of a filamentous bacteriophage coat protein III~~, and a suppressible termination codon selected from the group consisting of UAG, UAA and UGA between the first and second genes.

96. (Previously presented) A replicable phagemid expression vector comprising the gene fusion of claim

95. ? - Non-responsive

97. (Previously presented) A host cell comprising the vector of claim 96.

98. (Currently amended) A gene fusion comprising a first gene encoding an antibody ~~or a fragment thereof~~, a second gene encoding ~~at least a portion of a filamentous bacteriophage coat protein III~~, and a suppressible termination codon selected from the group consisting of UAG, UAA and UGA between the first and second genes.

99. (Previously presented) A replicable phagemid expression vector comprising the gene fusion of claim

98. ? Non-responsive

100. (Previously presented) A host cell comprising the vector of claim 99.

This listing of claims will replace all prior versions, and listings, of claims in the application.